REMARKS

Claims 1-20 remain in the application.. The actions taken are in the interest of expediting prosecution and with no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled in view of the prior art. Moreover, the amendment or cancellation of claims herein is without prejudice to pursuing claims of different scope by way of continuing Application. Reconsideration of this application is respectfully requested.

I.   STATUS OF CLAIMS

1.   Claims 1-15 stand rejected under 35 U.S.C. 102(e) as being anticipated by Coussement (U.S. Patent Application No. 2002/0114441, hereinafter Coussement).

2.   Claim 16 stands rejected under U.S.C. 103(a) as being unpatentable over Coussement in view of RFC 2779, Day et al. February 2000 (hereinafter Day).

3.   Claims 17-20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Coussement in view of Day and in further view of Jiang et al. (U.S. Patent Application No. 2003/0059004, hereinafter Jiang).

II.   SUMMARY OF INVENTION

The present invention is directed to communication networks and more particularly to a method for optimizing message exchanges for presence information.

III.   ISSUES

(1) Whether claims 1-15 are anticipated by Coussement under 35 U.S.C. §102(e).

(2) Whether Cousesement in view of Day makes obvious claim 16 under 35 U.S.C. §103(a).

(3) Whether Coussement in view of Day in further view of Jiang makes obvious claims 17-20 under 35 U.S.C. §103(a).

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IV.   ARGUMENTS

35 U.S.C. §102(e)

Claims 1-15 stand rejected under 35 U.S.C. §102(e) as being anticipated by Coussement, U.S. Pat. App. No. US 2004/0114441 A1 (hereinafter "Coussement"). Applicant respectfully traverses this rejection.

Coussement generally discloses a distributed hardware/software system for managing the status of human customer representatives (referred to as "agents" in Coussement) working in a communication or call center, such as a customer service call center. The system is designed to monitor and communicate the status of the customer service agents, i.e., whether or not they are present at their workstations, for use by the communication center itself or for the convenience of the customers calling in to the communication center. According to the Office Action, the relevant sections of Coussement can be found at paragraphs 0067 to 0076 of Coussement's specification. A detailed reading of Coussement, however, reveals that it does not teach each and every element recited in Applicant's claims 1-15.

The system claimed and described by Applicant is significantly different than the Coussement system, and a brief summary of a simplified example system, with reference to Applicant's FIG. 1, will be provided to illustrate these differences. Briefly, the example system described in the application employs four primary components: a first user device (e.g., device 10); a second user device (e.g., device 80); a presence proxy; and a presence agent. The presence agent communicates with one or more second user devices, while the presence proxy communicates with the first user device. The presence proxy communicates with the presence agent (and with potentially any number of other presence agents). The presence proxy facilitates consolidation of messages between the first user device and second user devices, and the presence proxy functions as an "intermediary" between presence agents and the first user device. Notably, this general architecture is not disclosed or suggested by Coussement, as further explained below.

Regarding independent claim 1, the Office Action contends that Coussement teaches the step of "transmitting, by the first user to a presence proxy, a subscribe message for presence information of a second user" as recited in amended claim 1. The Office Action alleges that

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Coussement discloses this limitation at paragraph 0067. As an initial matter, the Office Action fails to identify anything in Coussement that represents the claimed "subscribe message." Furthermore, paragraph 0067 of Coussement simply does not teach the step of transmitting a subscribe message. The Examiner alleges that the subscription message "can" originate from a different domain than the communications center 11 via the host server (15) and that a subscription message "would" arrive from a remote user. While the Examiner may believe that the system taught by Coussement "can" implement this step or that a subscription message "would" be received, it nevertheless remains clear that Coussement itself does not teach or suggest this step or these elements. Therefore, the Examiner still has not shown where Coussement teaches a first user or a subscription message. The Examiner implying that a first user "can" be located in a different domain and "would" send a subscription message is not the same as Coussement teaching such limitations.

The Office Action also contends that Coussement teaches the step of "transmitting, by the presence proxy to a presence agent, the subscribe message, the presence agent related to the second user" as recited in amended claim 1. The Office Action alleges that Coussement discloses this limitation at paragraph 0067. Paragraph 0067 of Coussement simply does not teach the step of transmitting a subscribe message from a presence proxy to a presence agent. In the previous Office Action, the Examiner suggests that Coussement's agent systems (see Coussement's FIG. 2, items 73 and 75) are equivalent to Applicant's presence agent. It was shown that this analysis is flawed because Coussement does not teach or suggests the use of a "presence agent" as recited in Applicant's claims. Indeed, even assuming, *arguendo*, that Coussement's agent proxy server 18 can be considered to be akin to Applicant's presence proxy, the agent proxy server 18 communicates directly with the end user terminals without the use of a presence agent as recited in Applicant's claims.

In this office action, the Examiner begins anew by alleging that the host server (15) of Coussement is equivalent to the presence proxy recited in Applicant's claims and that web server (67) is equivalent to the presence agent recited in Applicant's claims. Applicants respectfully disagree. Coussement clearly teaches that the host server (15) represents a third-party hosted customer access point to interface for customers wishing access to communication center (paragraph 0065). Web Server (67) is adapted as an interface server for the Internet (paragraph 0065). Nowhere does Coussement teach or suggest that host server (15) receives, collects, stores

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or transmits presence information or receives or transmit a subscribe message. Further, nowhere does Coussement teach or suggest that web server (67) receives, collects, stores or transmits presence information from/to host server (15). On the contrary, in the previous Office Action, the Examiner suggested that the agent proxy server performed these functions. In fact, as stated above, host server (15) and web server (67) do not function to handle or distribute presence information, but are dedicated to other functions. Since host server (15) is dedicated to third party access to communication system, it is not likely that the operators of communication system (11) are going to be distributing presence information of their operators to third parties, via host server (15) or any other means.

For purposes of this traversal, claim 1 is representative of all the independent claims in the application (claims 1, 6, 11, and 16). In particular, the Office Action either mischaracterizes the Coussement disclosure or erroneously concludes that Coussement teaches some of the recited limitations. In other words, Applicant submits that Coussement is an inappropriate reference that simply does not teach the claimed subject matter. Should the Examiner decide to maintain this §102 rejection of claims 1-15, Applicant respectfully requests the Examiner to provide specific citations to the relevant sections of Coussement that allegedly teach the recited limitations.

For at least the above reasons, Coussement does not anticipate the invention of independent claims 1, 6, and 11. For the same reasons, Coussement does not anticipate the invention of claims 2-5, 7-10, and 12-15, which variously depend from claims 1, 6, and 11. Accordingly, Applicant requests the withdrawal of the §102 rejection of claims 1-15.

35 U.S.C. §103

Claim 16 stands rejected under 35U.S.C. §103(a) as being unpatentable over Coussement in view of Day. Claims 17-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Coussement in view of Day in further view of Jiang. Applicant respectfully traverses this rejection.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation to modify a reference or to combine the teachings of multiple references. Second, there must be a reasonable expectation of success. Third, the

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prior art must teach or suggest all of the recited claim limitations. Of course, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicant's disclosure. Applicant respectfully submits that the Examiner has not met all of the above criteria.

Claim 16 is an independent claim and claims 17-20 variously depend from claim 16. For the same reasons discussed above in connection with the §102 rejection, Coussement does not teach or suggest the step of "transmitting by a presence agent a notify message to a presence proxy, the notify message including presence information of a second user," or the step of "transmitting the notify message by the presence proxy to the first user." Further, the Office Action fails to identify anything in Coussement that represents the claimed "subscribe message," despite Examiner's attempt to impart teachings into Coussement that are not present as described above.

For at least the above reasons, the proposed modification of Coussement does not teach or suggest each and every limitation recited in any of claims 16-20. Accordingly, claims 16-20 are not unpatentable over Coussement, and Applicant requests the withdrawal of the §103 rejection of those claims.

Prior Art

The references cited but not relied upon are believed not to anticipate or make obvious Applicants' invention.

Summary

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Applicants believe that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicants.

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In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

Accordingly, this application is believed to be in proper form for allowance and an early notice of allowance is respectfully requested.

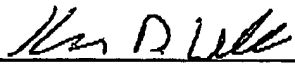Please charge any fees associated herewith, including extension of time fees, to 502117.

Respectfully submitted,

SEND CORRESPONDENCE TO:

By: _____

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